

Interview SummaryApplication No.
09/627,870

Applicant(s)

DAVID SPROGIS

Examiner

GRAVINI

Group Art Unit

3622

All participants (applicant, applicant's representative, PTO personnel):

(1) ERIC STAMBER (SPE)

(3)

(2) BILL HILTON (APPLICANT'S REP.)

(4)

Date of Interview 4/22/03Type: Telephonic Personal (copy is given to applicant applicant's representative).Exhibit shown or demonstration conducted: Yes No. If yes, brief description:N/AAgreement was reached. was not reached.Claim(s) discussed: 1-26

Identification of prior art discussed:

SAN FRANCISCO CHRONICLE ARTICLE BY LAURA EVANSON

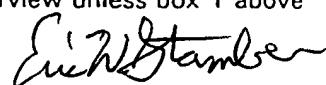
Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

SEE ATTACHED

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

Attachment to Interview Summary of 4/22/03

1. Discussed premature finality, the interview of 2/10/03, and the final rejection of 4/15/03.
2. Claims 25 and 26 recite a useful, concrete and tangible result and have been recently amended (3/26/03, paper #16) to clearly recite that the claims are in the technological arts, thus the 35 USC 101 non-statutory subject matter rejection is removed.
3. Rejection of claims 1-26 under 35 USC 102(b) using the San Francisco Chronicle article by Laura Evenson is a new grounds of rejection, not necessitated by amendment, thus the final Office action of 4/15/03 following the RCE of 3/26/03 is improper.
4. Office action of 4/15/03 will be considered non-final, applicant's next response/amendment will be entered as a response to a non-final action, and another action (which may be final) will follow based on that response.
5. Applicant's representative is urged to contact Examiner Gravini for an interview to further discuss the affidavit of Dan Zehme, which there is some contention about the agreement that was reached regarding this affidavit in the interview of 2/10/03.